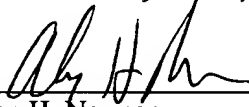




IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: BOX IDS, Assistant Commissioner for Patents, Washington, D.C. 20231 on Aug 24, 2001.

  
Alan H. Norman  
Reg. No. 32,285  
7733 Forsyth Boulevard  
Suite 1400  
St. Louis, Missouri 63105  
(314) 727-5188

In re application of:  
Khouri

Serial No.: 09/818,812

Filed: March 27, 2001

For: METHOD AND APPARATUS FOR SOFT:  
TISSUE ENHANCEMENT

BOX IDS  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Examiner unknown

Group Art Unit 3736

LETTER

Enclosed please find:

1. Transmittal Of Information Disclosure Statement Within Three Months Of Filing Or Before Mailing Of First Office Action (37 CFR § 1.97(b))
2. Information Disclosure Statement -- PTO-1449 (Modified) with four references.

During prosecution of a foreign patent application owned by the assignee of the present application (the "Assignee") and related to soft-tissue enlargement, the foreign patent office cited Ukraine Patent No. SU 1319853 (the "Ukraine Patent"), dated June 30, 1987. The foreign patent office provided no English language translation of the Ukraine Patent. Applicant, Assignee and counsel have not ordered or otherwise obtained an English language translation of the Ukraine Patent. Thus, the only relevance of the Ukraine Patent known to Applicant, Assignee and counsel is that such patent was cited by the foreign patent office against an application related to soft-tissue enlargement.

3736

PATENT

L. Park  
8-31-01  
#6/IDS

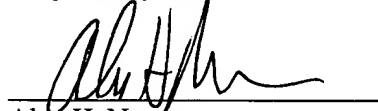
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German Patent DE3019589A1 (the "German Patent") was also cited during prosecution of a foreign patent application owned by Assignee and related to soft-tissue enlargement. The foreign patent office provided no English language translation of the German Patent. Applicant, Assignee and counsel have not ordered or otherwise obtained an English language translation of the German Patent. The only relevance of the German Patent known to Applicant, Assignee and counsel is that such patent was cited by the foreign patent office against an application related to soft-tissue enlargement.

It is believed that no fee is due. However, if this is in correct, you are hereby authorized to charge any deficiency or credit any excess thereto to Deposit Account No. 18-1829. A duplicate copy of this Letter is enclosed for that purpose.

Please file said Information Disclosure Statement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alan H. Norman', is written over a horizontal line.

Alan H. Norman  
Reg. No. 32,285  
Howell & Haferkamp, L.C.  
7733 Forsyth Boulevard, Suite 1400  
St. Louis, Missouri 63105  
(314) 727-5188

August 24, 2001

Practitioner's Docket No. 16743-7430

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent application

of \_\_\_\_\_  
Inventor(s)

for \_\_\_\_\_  
Title of invention

**OR**

In re application of: Khouri

Application No.: 09 / 818,812

Group Art Unit: 3736

Filed: March 27, 2001

Examiner: Unknown

For: METHOD AND APPARATUS FOR SOFT TISSUE ENHANCEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))**

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b).

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: Aug 24, 2001

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Alan H. Norman, Reg. No. 32,285

(type or print name of person certifying)

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 1 of 2)

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NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).


NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

  
SIGNATURE OF PRACTITIONER

Alan H. Norman

(type or print name of practitioner)

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office  
Action [8-3]—page 2 of 2)

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